

HOUSE BILL 3691

By Coleman

AN ACT to amend Tennessee Code Annotated, Title 40,  
Chapter 11, relative to bail for individuals with  
mental illness.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-11-111, is amended by  
deleting the section in its entirety and substituting instead the following:

(a) Individuals with severe and persistent mental illness, mental incompetents or infants need not personally make the deposit or execute the bail bond as may be required under §§ 40-11-101 — 40-11-144, but the deposit and execution may be made for the individuals with severe and persistent mental illness, mental incompetents or infants by anyone found by the sheriff or clerk taking the bond to be a responsible substitute.

(b) An individual shall be considered to have a severe and persistent mental illness if:

(1) Such individual has a psychiatric diagnosis or symptoms consistent with a psychiatric diagnosis as specified in the American Psychiatric Association Diagnostic and Statistical Manual;

(2) Such individual has delusions, hallucinations, extremely disorganized thinking, or other significant disruptions of consciousness, memory, and perception that are not attributable solely to the acute effects of alcohol or other drugs;

(3) Such individual has substantial impairment, as the result of the symptoms set out in subdivision (b)(2), in the individual's ability to perform the activities of daily living or capacity to appreciate the nature, consequences, or wrongfulness of such person's conduct, or to exercise rational judgment in relation to such person's conduct; and

(4) Such individual has documented medical history of the items listed in subdivisions (b)(1), (2) and (3).

(c) For purposes of this section, unless the context otherwise requires:

(1) "Delusions" means fixed, clearly false beliefs; and

(2) "Hallucinations" means clearly erroneous perceptions of reality.

SECTION 2. Tennessee Code Annotated, Section 40-11-150, is amended by adding the following new subsection (l):

(l) Any defendant arrested for any offense set out in title 39, chapter 13, and who has a severe and persistent mental illness as defined in § 40-11-111(b) shall not be released until the defendant has been held in custody for at least twelve (12) hours from the time of such defendant's arrest if, based upon an assessment by a community mental health crisis response service, a magistrate or other official duly authorized to release the defendant finds that the defendant is a threat to the alleged victim.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.